

Appl. No. : **09/848,557**
Filed : **May 3, 2001**

REMARKS

In the outstanding Office Action, the Examiner has rejected Claims 1-22. Claims 1-22 have been canceled and Claims 23-49 have been added. No new matter has been added. Thus, Claims 23-49 are presented for further examination. Reconsideration and allowance of all Claims 23-49 in light of the present remarks is respectfully requested.

Support for the terms used in new Claims 23-49 can be found in the specification as follows: a “retail data processing device” appears in Figures 1 and 2 and is discussed generally at page 9, lines 6-13, and page 10, lines 4-6; “software entity” is discussed at page 13, line 12, and page 17, line 5; the “first software entity, residing within the first retail data processing device” is discussed at page 14, line 4, and page 15, line 12; “determine, in dependence on the received retail data, whether or not to communicate the retail data” is discussed at page 15, line 26 to page 16, line 9; the “second software entity” is discussed at page 14, line 2; and the “remote server” is discussed at page 13, lines 7, 13, and 19, for example.

The Examiner has rejected Claims 7 and 22 under 35 U.S.C. § 101 because Claim 7 “is inoperative and therefore lacks utility”, and because the invention of Claim 22 “is directed to non-statutory subject matter.” The Examiner also rejected Claims 7-21 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which is regarded as the invention. Claims 7-22 have been canceled and therefore the rejections of these claims under 35 U.S.C. § 101 and 35 U.S.C. § 112 are moot.

Discussion of Claim Rejections: Moreau and Shore

Claim 22 was rejected under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent No. 5,590,196 to Moreau, and Claims 1-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Moreau in view of U.S. Patent No. 6,564,193 to Shore, et al. As noted above, Claims 1-22 have been canceled. However, Applicant will address the Moreau and Shore references and the Examiner’s arguments in regard to new Claims 23-49.

Independent Claims 23, 33, 43, and 49 recite a plurality of features for a retail data processing environment. One aspect of the claimed methods, systems, and mediums is connection of disparate retail data processing devices to permit the communication and

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processing of transaction and customer information. This is achieved in the claimed methods, systems, and mediums without materially changing the existing retail technology software.

Moreau describes a secure payment method using facsimile transmission. In reference to Figure 1 of Moreau, a business payment form 203 is filled out with payment data at a payor site 200, and the business payment form 203 is faxed through the fax machine 201. An encryption unit 202 encrypts the facsimile message and the encrypted facsimile message is transmitted to a service provider 100 where it is decrypted by a decryption unit 101. An operator terminal 103 converts the decrypted facsimile message, comprising an electronic image of the business payment form 203, into an electronic funds transfer (EFT) transaction 106. The EFT transaction 106 is carried out where the EFT network 400 transfers money from the payor's bank 500 to the payee's bank 600.

The payor site 200 of Moreau, however, does not correspond with the "first retail data processing device" as recited in Claim 23. In contrast, only the following occur at the payor site 200 of Moreau: a business payment form is filled out, a fax signal is generated by the fax machine, and the facsimile message is encrypted. No transfer of economic value and no retail transaction occur at Moreau's payor site 200. In fact, no transaction takes place until after conversion of the transmitted image of the business form into an EFT transaction by way of money transfer 401 from the payor's bank 500 to the payee's bank 600. Thus, in Moreau's system, the intended money transaction takes place only as a result of the conversion of a transaction instruction from one data format (fax) to another data format (EFT). This functionality differs from that in the method, systems, and computer readable medium of Claims 23, 33, 43 and 49, wherein the process starts with a retail transaction, and wherein information about the executed transaction (retail data) in a first data format may be translated from the first data format to the second data format for intelligible communication to another device or a remote server.

Furthermore, Moreau fails to teach or suggest a software entity configured to determine whether or not to communicate the retail data, wherein the determination is in dependence on the retail data itself.

Similar to Moreau, Shore describes a facsimile system and a method of using the Internet to transmit a facsimile message. Shore is not concerned with retail processing and does not cure the deficiencies of Moreau as outlined above. Specifically, Shore fails to teach or suggest, *inter*

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alia, a first retail data processing device arranged to communicate with other data processing devices in a first data format, determining whether or not to communicate retail data relating to a retail transaction in dependence on the retail data, and that the retail data may be translated into a second data format for communication to another device or a remote server.

Thus, as neither Moreau nor Shore, either alone or in combination, teach or suggest all of the features recited in each of Claims 23, 33, 43, and 49, Applicant respectfully submits that these claims are in condition for allowance.

Because Claims 24-32, 34-42, and 44-48 depend from Claims 23, 33, and 43, pursuant to 35 U.S.C. § 112, ¶ 4, they incorporate by reference all the limitations of the claim to which they refer. It is therefore submitted that these claims are in condition for allowance at least for the reasons expressed with respect to the independent claim, and for their other features.

Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. Accordingly, arguments in support of the patentability of the pending claim set are presented above. In light of these remarks, reconsideration and withdrawal of the outstanding rejections is respectfully requested.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: _____

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